

Application Serial No. 10/589,635
Reply to Office Action of July 8, 2009

OCT 07 2009

PATENT
Docket: CU-5017

REMARKS

In the Office Action, dated July 8, 2009, the Examiner states that Claims 15-30 are pending and rejected.

Double Patenting

Claims 15-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 16 to 35 of copending Application No. 10/589,546.

Applicant has filed a terminal disclaimer herewith the present response, disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of US 10/589,546. As such, Applicant respectfully requests withdrawal of the present provisional double patenting rejection.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



Attorney for Applicant
Eric D. Babych
c/o Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300
Reg. No. 57,542

October 7, 2009

Date